Agenda – Council – May 30, 2023

Report – Standing Policy Committee on Property and Development – May 4, 2023

Item No. 1 Declaration of Surplus and Sale of City-Owned Property – Title 1397979/1 (commonly known as 48 Maple Street) (Point Douglas Ward)

STANDING COMMITTEE RECOMMENDATION:

On May 16, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the Winnipeg Public Service be directed to:

    A. Provide 365 days' notice to The Fire Fighters Museum to terminate their current lease agreement and begin negotiations with the Museum for a new agreement at 56 Maple Street which excludes the Subject City Property.

    B. Enter into a Purchase and Sale Agreement with Clan Mother Earth Enterprises Inc. for the Subject City Property as noted on Schedule A, for the purchase price of $1.00.

2. The Section 3.2.C.vi of the Declaration as Surplus and Sale of Property Policy, be waived.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – May 4, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 16, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 4, 2023, the Standing Policy Committee on Property and Development did not concur in the recommendation of the Winnipeg Public Service and submitted the following to the Executive Policy Committee and Council:

1. That the Winnipeg Public Service be directed to:

    A. Provide 365 days' notice to The Fire Fighters Museum to terminate their current lease agreement and begin negotiations with the Museum for a new agreement at 56 Maple Street which excludes the Subject City Property.

    B. Enter into a Purchase and Sale Agreement with Clan Mother Earth Enterprises Inc. for the Subject City Property as noted on Schedule A, for the purchase price of $1.00.

2. The Section 3.2.C.vi of the Declaration as Surplus and Sale of Property Policy, be waived.

3. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Committee, as amended, and directed the Winnipeg Public Service to report back in up to 90 days on the following:

1. The declaration of City-owned property held in Title 1397979/1 and commonly known as 48 Maple Street, as surplus to the needs of the City.

Report – Standing Policy Committee on Property and Development – May 4, 2023

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

2. Options for a direct sale of the City-owned property held in Title 1397979/1 to Clan Mothers Healing Village at $1.00 for the purpose to build a permanent safe and purpose built physical setting and a social enterprise to support Indigenous women, girls & 2SLGBTQQIA peoples transforming from long-term programming.

Ted Kuryluk, President Emeritus, Winnipeg Fire Fighters Museum, submitted a communication dated February 2, 2023, in support of the matter.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 23, 2023, the Lord Selkirk-West Kildonan Community Committee passed the following motion:

WHEREAS the Winnipeg Fire Fighter's Museum located at 56 Maple Street have a $1.00 lease agreement with the City of Winnipeg dated September 1, 1994 with a ten-year term and two 5-year extensions which agreement has now been in overhold since 2014;

AND WHEREAS in 2001, due to large amounts of garbage being dumped on City of Winnipeg vacant land located at 48 Maple Street, it was added to the leased area of 56 Maple Street in efforts to have shared maintenance of the vacant land;

AND WHEREAS Elder Mae Louise Campbell is the registered owner of 38 Maple Street, and Jamie Goulet, together with Elder Mae Louise, are the registered owners of 40 Maple Street - they both have been assisting to maintain the neighbouring vacant land at 48 Maple Street for the last decade;

AND WHEREAS Elder Mae Louse and Jamie Goulet are in the final process of selling 38 and 40 Maple Street to Clan Mother Earth Enterprises, a division of Clan Mothers Healing Village & Knowledge Centre;

AND WHEREAS Elder Mae Louise and Jamie Goulet are the co-founders and vision keepers for Clan Mothers Healing Village, and the land situated in and around 38 and 40 Maple Street have become the hub of Indigenous peoples programming, healing and knowledge sharing;

Report – Standing Policy Committee on Property and Development – May 4, 2023

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

AND WHEREAS Clan Mothers have provided community gatherings and programming for Indigenous women, girls and 2SLGBTQQIA, as well as provide culturally and socially appropriate healing to many of those who have suffered intergenerational trauma, sexual violence, exploitation, and trafficking;

AND WHEREAS Clan Mothers' vision is to continue to build the foundation of the Healing Village & Knowledge Centre on the vacant land situated at 48 Maple Street which would expand the reach of this Healing Village for land-based healing and to build transformational (transitional) housing in conjunction with the Healing Village situated in Belair

AND WHEREAS Clan Mothers' will build a permanent safe and purpose-built physical setting at 48 Maple Street where they can create a social enterprise for the women, girls and 2SLGBTQQIA peoples who are transforming from the extensive long-term programming, education and skill building at Clan Mothers Healing Village in Belair, Manitoba;

THEREFORE BE IT RESOLVED THAT the Lord Selkirk – West Kildonan Community Committee recommend to the Standing Policy Committee on Property and Development that the Winnipeg Public Service be directed to report back in 30 days on the following:

1. The declaration of City-owned property held in Title 1397979/1, and commonly known as 48 Maple Street as noted on Appendix A, as surplus to the needs of the City.

2. Options for a direct sale of the City-owned property held in Title 1397979/1 to Clan Mothers Healing Village at $1.00 for the purpose to build a permanent safe and purpose built physical setting and a social enterprise to support Indigenous women, girls & 2SLGBTQQIA peoples transforming from long-term programming

ADMINISTRATIVE REPORT

Title: Declaration of Surplus and Sale of City-owned Property – Title 1397979/1 (commonly known as 48 Maple Street)

Critical Path: Standing Policy Committee on Property and Development

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Chappell (Acting)	M. Pittet (Acting)	N/A	M. Jack

EXECUTIVE SUMMARY

On February 2, 2023, the Standing Policy Committee on Property and Development directed the Public Service to report back within 90 days on declaring 48 Maple Street ("Subject City Property") as surplus to the needs of the City and with options for a $1.00 direct sale to Clan Mothers Healing Village.

After a circulation which resulted in no objections to a sale, the Subject City Property was declared surplus to the City's needs through the authority delegated to the Manager of Real Estate and Land Development.

To facilitate a sale to Clan Mothers Healing Village, the existing lease of the Subject City Property to the Fire Fighters Museum must be terminated. Pending confirmation that the City would satisfy one of the Principles of Reconciliation or one of the Calls to Action due to the sale, a direct sale is possible without the need to waive Council policy. Additionally, a below-market sale is also possible since the purchaser is a not-for-profit entity, but the sale would be subject to a reversionary clause and covenant to construct.

The related request to lease 180 Higgins Avenue (William Whyte Park) to the Fire Fighters Museum to replace the Subject City Property cannot be accommodated due to a shortage of park land in the neighbourhood.

The Public Service did not intend to terminate the Fire Fighters Museum lease prior to the Committee motion.

RECOMMENDATIONS

That this report be received as information.

REASON FOR THE REPORT

On February 2, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Committee, as amended, and directed the Winnipeg Public Service to report back in up to 90 days on the following:

1. The declaration of City-owned property held in Title 1397979/1 and commonly known as 48 Maple Street, as surplus to the needs of the City.

2. Options for a direct sale of the City-owned property held in Title 1397979/1 to Clan Mothers Healing Village at $1.00 for the purpose to build a permanent safe and purpose-built physical setting and a social enterprise to support Indigenous women, girls & 2SLGBTQQIA people transforming from long-term programming.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no implications associated with this report.

HISTORY/DISCUSSION

The Subject City Property was acquired via tax sale 90/39 on October 2, 1991.

In 2001, the Subject City Property was added to the leased area of the Fire Fighters Museum (located at 56 Maple Street) allowing the tenant to maintain the vacant land. It has remained part of the leased area since that time. The Fire Fighters Museum lease is still in effect; removing the Subject City Property from the leased area requires 365 days' termination notice by either party. If the Museum is agreeable to the removal of the land from their larger lease holding, this time frame would likely be shortened significantly.

In response to the direction from the Committee, the Public Service circulated the Subject City Property to all civic departments and no objections were received. Parks does not have an objection to the sale but has requested that we encourage the proposed future owner to retain the trees on the northern boundary.

Based on the results of the circulation, the Acting Manager of Real Estate and Land Development declared the Subject City Property as surplus to the needs of the City on March 20, 2023.

The second part of the Committee motion requested options to sell the Subject City Property for $1.00 to Clan Mothers Healing Village. For such a transaction to occur, the following items have been considered:

1) The City must provide formal notice to the Fire Fighters Museum that their lease is being terminated. As the tenant is in an overhold position (on a year to year lease) the existing lease cannot be amended to remove the Subject City Property. The entire lease must be terminated and a new lease drafted for the tenant.

Notwithstanding the Committee motion, entering into a new lease for the Fire Fighters Museum is premature as the Public Service had intended to wait until the Strategic Facilities Master Plan is adopted before reviewing its rental portfolio.

2) A direct sale to Clan Mothers Healing Village is possible without marketing the property, provided the City will satisfy one of the Principles of Reconciliation or Calls to Action and Calls to Action through the sale (section 3.2.B.iv. of the Declaration as Surplus and Sale of Property policy).

3) Clan Mothers Healing Village (operating as Clan Mother Earth Enterprises Inc.) is a not-for-profit entity. As a result, the Declaration as Surplus and Sale of Property policy allows for below-market sales, subject to a reversionary clause.

4) Determine whether any additional sale conditions are required or not required (e.g. the reversionary clause/covenant to construct is Council policy).

5) Although the Subject City Property is part of the roll number associated with the Fire Fighters Museum, the site has a separate Certificate of Title and can be transferred without the need of a subdivision (unless the Committee desires to transfer less than the entire Subject City Property).

In delegation at the Committee meeting, the Fire Fighter Museum inquired whether 180 Higgins could be leased to the Museum to replace the loss of 48 Maple Street (which was required for a future expansion). 180 Higgins is improved as William Whyte Park and Parks has indicated that due to a shortage of park space in the immediate area, there is no desire to privately lease William Whyte Park. It should be noted that the Fire Fighters Museum already occupies space within another City facility to store and repair fire engines.

<u>Journey of Reconciliation</u>

It should be noted that:

- The Federation of Canadian Municipalities recognized the significant work of the Truth and Reconciliation Commission ("TRC") and called upon municipalities to work toward implementation of five TRC Calls to Action relating to municipal governments: Public Service Education; Archival records; Cemeteries and burial sites of residential school children; concepts related to the Doctrine of Discovery; and, the United Nations Declaration on the Rights of Indigenous Peoples.

- Since 2015, the City's Indigenous Relations Division has been working with internal and external partners to collaborate on these five Calls to Action and identify action plans that guide the work of the City of Winnipeg in its Journey of Reconciliation

Further, the City has committed to TRC Call to Action #43:

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as the framework for reconciliation.

Relevant UNDRIP articles include:

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

FINANCIAL IMPACT

Financial Impact Statement

Date: March 22, 2023

Project Name:

Declaration of Surplus and Sale of City-owned Property – Title 1397979/1 (commonly known as 48 Maple Street)

COMMENTS:

There are no financial implications associated with this report.

Mike McGinn March 22, 2023
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Indigenous Relations Division

OURWINNIPEG POLICY ALIGNMENT

A sale of the Subject City Property to Clan Mothers Healing Village would align with OurWinnipeg 2045 as follows:

5.4 Reconciliation with Indigenous Peoples Prioritize municipal implementation responsibilities within the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission of Canada's Calls to Action and the National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice.

5.5 Indigenous Lens Develop an Indigenous lens, which recognizes, respects and advances multiple and diverse First Nations, Inuit, and Métis rights, knowledge and perspectives. Apply the lens throughout municipal leadership and governance processes, policies, programs and practices to be inclusive and eliminate elements that knowingly or unknowingly enable the exclusion of Indigenous Peoples.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Policy # 2.4 – Climate Resilient Growth

Facilitate compact, dense, complete and physically and virtually connected communities through integrated land use, transportation, and infrastructure planning, to achieve climate change mitigation and adaptation goals and objectives, and greenhouse gas emissions reduction targets.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Policy # 3.12 – Poverty Reduction

Support the reduction of poverty and homelessness through a community economic development approach that addresses systemic barriers to opportunity and participation, particularly in areas of highest need.

The Winnipeg Poverty Reduction Implementation Plan states the following:

6.4 City Managed Facilities - Community Group Use of Space
Identify and communicate a transparent process for how community groups can access and use City facilities, with particular emphasis on removing red-tape and expediting access for community groups serving low-income and marginalized populations. This shall include on-line and accessible information and clear pathways for how to access low-cost leases (subject to property availability), rental fee waivers, and access to City facilities, particularly those in areas of higher poverty. Any resulting financial implications of this goal will be discussed in future reports.

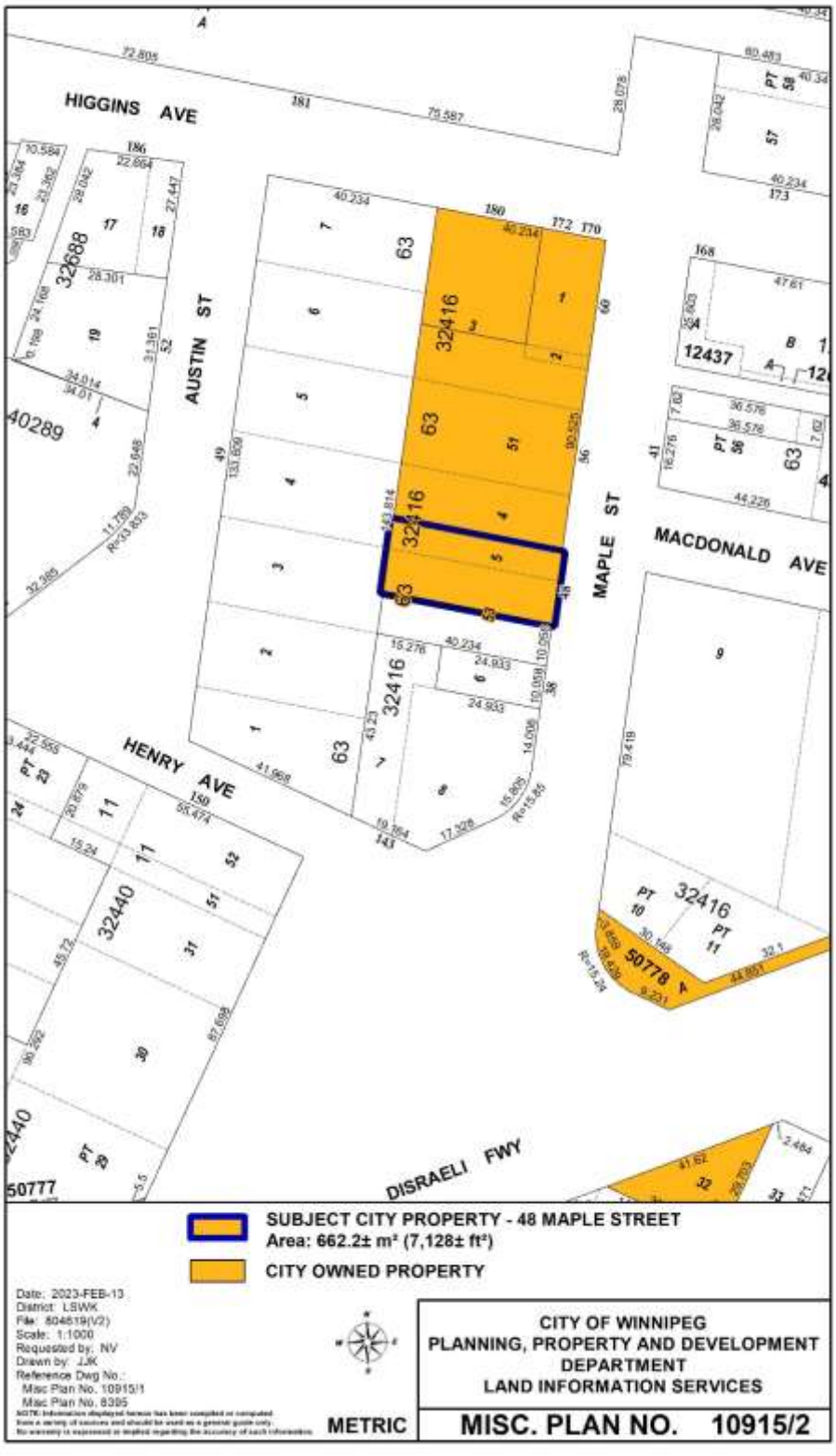
7.1 Support for Indigenous land-based education programs
Work with Community partners to identify and develop a pilot program for the in-kind use of parks and public open space for Indigenous land-based education programs, including cultural teachings, food, and ceremonies, with a priority focus on increasing cultural opportunities for Indigenous children, youth and families.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Nikola Vujadin, Real Estate Officer
Date: March 22, 2023
File No: 8046/19(V2)

Attachments: Schedule A – Misc. Plan No 10915/2

Schedule A


HIGGINS AVE
AUSTIN ST
MAPLE ST
MACDONALD AVE
HENRY AVE
DISRAELI FWY
32416
32688
40289
32440
50777
50778
12437
SUBJECT CITY PROPERTY - 48 MAPLE STREET
Area: 662.2± m² (7,128± ft²)
CITY OWNED PROPERTY
Date: 2023-FEB-13
District: LSWK
File: 604619(V2)
Scale: 1:1000
Requested by: NV
Drawn by: JJK
Reference Dwg No.:
Misc Plan No. 10915/1
Misc Plan No. 8395
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT
DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 10915/2